

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dawn Smith, et al.,

Civil No. 04-1403 (RHK/AJB)

Plaintiffs,

vs.

ORDER

Heartland Automotive Services, Inc.,
d/b/a Jiffy Lube,

Defendant.

Defendant's March 8, 2006 letter request to remove the above matter from the Court's June 2006 trial calendar is **DENIED**. The Court recognizes the previously scheduled action in the District of Kansas and the action in this Court will either be tried before or after the Kansas action, but during the month of June. The previously filed Order for Submission of Trial Materials remains in effect. Defendant's counsel shall keep the Court and Plaintiffs' counsel advised of the status of the Kansas action.

The undersigned intends to establish a firm schedule for the trial of this case (whether that be in early or late June). To that end, counsel are directed to confer and attempt to agree upon a reasonable estimate as to how many trial days will be needed to complete this case and a recommendation with respect to allocating the total available time between the parties. The Court recognizes that Defendant will seek separate trials for each plaintiff, but for purposes of this Order, the parties should assume that there will be a single trial with respect to all Plaintiffs. In making the estimate, time needed for voir dire,

opening statements, closing arguments and jury instructions should not be included. The Court's daily schedule will begin at 9:00 a.m. and conclude at 4:30 p.m., with 20 minute breaks in the morning and afternoon and 1 hour and 20 minutes for lunch; that results in 5 ½ hours each day for the trial itself.

If the parties are unable to agree upon an estimate for needed trial time, and how that time should be apportioned between them, each side shall separately submit its estimate and projected allocation by March 28, 2006.

The Court will advise counsel, in due course, of the total amount of trial time which will be available and how that time will be allocated between Plaintiffs and Defendant.

Dated: March 13, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge